

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-CV-489**

**RICHARD D. ANDERSON, et al.,**

**Plaintiffs,**

**Vs.**

**THE UNITED STATES LIFE  
INSURANCE COMPANY  
IN THE CITY OF NEW YORK, et al.,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the court on Defendant's Motion to Compel (#44) and Counsel's Motion to Withdraw (#48). Oral arguments were held on these motions on March 13, 2014.

At the hearing, the court ruled that in spite of plaintiff's representations that he had complied with defendant's request for production of certain documents in his possession, the motion was nevertheless required and accordingly would grant the Motion to Compel (#44). The court will consider awarding the reasonable costs associated with this motion at the conclusion of this matter. The court further admonished plaintiff that, to the extent he had not fully and completely responded to defendant's request for production, he should do so immediately. Finally, the Court also ordered that while defendant had agreed to continue plaintiff's deposition to a later date, plaintiff should adequately and completely respond to defendant's request for admission before such deposition takes place.

With regards to counsel's Motion to Withdraw (#48), the court ruled that it would grant the motion subsequent to plaintiff retaining new counsel in this matter. On April 11, 2014

defendant filed a letter with the court through his counsel explaining that he has not been successful in his attempts to retain new counsel. More than a month has passed since the court's March 13, 2014 hearing, and, it appearing that plaintiff has still not yet been able to retain new counsel, the court will calendar this matter for another hearing.

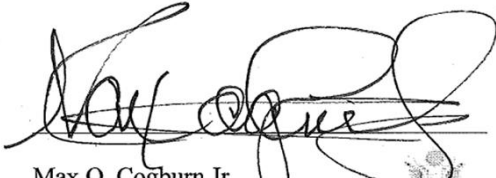
While the court has been accommodating up to this point, its patience is not unlimited; and the court will not allow this matter to linger indefinitely. At the next status of counsel hearing, plaintiff should come prepared to discuss his plans for retaining new representation moving forward or whether he plans on representing himself in this matter. Plaintiff's current counsel, Mr. Norman Smith, should remain in this matter until this issue can be resolved. Accordingly, the court enters the following order.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's Motion to Compel (#44) is **GRANTED**. As discussed above and as mentioned at the March 13, 2014 hearing, the court will reserve ruling on any sanctions for the reasonable fees and costs associated with such motion until the close this matter.

This matter is **CALENDARED** for hearing on May 14, 2014 at 9:30 a.m.

Signed: April 29, 2014



Max O. Cogburn Jr.  
United States District Judge